

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 14, 2010

DIVISION ONE

B217992 People
 v.
 Ransome

Filed order denying petition for rehearing.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B216762 People v. Hernandez
B219284 People v. Garcia
B216937 People v. Francis

Argument waived, cause submitted.

B218223 Greene v. Minuteman Parking Co.

Oral argument on the merits of the appeal waived. Cause submitted.

DIVISION THREE (continued)

B218505 People
 v.
 Jacobs

Merits:

Argued by Lenore O. DeVita for appellant and by Lance E. Winter, deputy attorney general for respondent. Cause submitted.

B223625 Anthony
 v.
 Superior Court, Los Angeles County
 (The People)

Merits:

Argued by Robert S. Gerstein for petitioner and by Beth L. Widmark, deputy district attorney for real party in interest. Cause submitted.

B218223 Greene
 v.
 Minuteman Parking Co.

OSC re Vexatious Litigant:

Argued by Cedric Greene, appellant in propria persona. Cause submitted.

B223891 Walnut Valley Unified School District, et al.
 v.
 S.C.L.A.
 Rowland Unified School District, et al.

Merits:

Argued by Spencer E. Covert for petitioners and by Sue Ann S. Evans for real parties in interest. Supplemental brief by real parties in interest due on October 5, 2010, response by petitioners due on October 19, 2010. Submission deferred.

Court recessed.

DIVISION THREE (continued)

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B213336 People v. Hernandez

Argument waived, cause submitted.

B208209 George
v.
Saedifar, et al.

Merits:

Argued by Armen L. George appellant in propria persona and by Robert Overzyl and Martin Simone for respondents. Cause submitted.

B218931 Attenborough
v.
Reish Luftman Reicher & Cohen

Merits:

Argued by S. Shane Sagheb for appellant and by Henry T. Heuer for respondent. Cause submitted.

B216894 Turner
v.
James

Merits:

Argued by Glenn Turner appellant in propria persona and by Patricia Jo Wilkinson for respondent. Cause submitted.

DIVISION THREE (continued)

B219093 Haverland
v.
Badal, et al.

Merits:

Argued by Mitchel J. Ezer for appellant and by Gary A. Starre for respondents. Cause submitted.

B206505 Callan
v.
CRC Insurance Services

Merits:

Argued by Chia H. Ho for appellant and by Erica Reilley for respondents.
Cause submitted.

Court adjourned.

DIVISION FIVE

B216095 People (Not for Publication)
v.
Lamont Moore, et al.

Jennings's sentence for forgery is stayed pursuant to section 654. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

September 14, 2010 (Continued)

DIVISION FIVE (continued)

[illegible]

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B218323 People (Not for Publication)
v.
Juan Gomez

The judgment is reversed and this matter is remanded for a trial on the issue of appellant's sanity at the time of the crime committed in this matter.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B213028 People (Not for Publication)
v.
David Clipton Solomon

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION FIVE (continued)

[illegible]

The finding of attempted felony vandalism is reduced to attempted misdemeanor vandalism under section 664 and 594, subdivision (b)(2). The maximum period of confinement of 18 months is stricken. The notation on the minute order of November 30, 2009, indicating appellant was removed from parental custody is stricken. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
Kumar, J. (Assigned)

B223355 Los Angeles County, D.C.F.S. (Not for Publication)
v.
B.S.

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
Kumar, J. (Assigned)

B216956 People (Not for Publication)
v.
Maricela Chavez

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Kumar, J. (Assigned)

DIVISION FIVE (continued)

B217539 People (Not for Publication)
v.
Cliftone Semedo

The judgment is modified to impose the additional penalty assessments, surcharge, and fees related to the \$50 Health and Safety Code section 1372.5, subdivision (a) laboratory fee as set forth in the body of this opinion. Upon remittitur issuance, the clerk of the superior court shall forward an amended abstract of judgment to the California Department of Corrections and Rehabilitation. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Kriegler, J.
Kumar, J. (Assigned)

B222203 People (Not for Publication)
v.
Francisco C.

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Kumar, J. (Assigned)

B222711 Los Angeles County, D.C.F.S. (Not for Publication)
v.
L.W.

The judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
 Mosk, J.

DIVISION FIVE (continued)

B217158 Katrina Lyons (Not for Publication)
 v.
 Zephran Hamlin

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION SIX

B215324 People (Not for Publication)
 v.
 Albert E. Hammler and Joseph M. Cray

As to Cray's conviction of robbery (count 3), the judgment is modified to strike the 10-year term imposed for the gang enhancement pursuant to section 186.22, subdivision (b)(1)(C). The trial court shall amend the abstract of judgment to reflect this modification. As to Hammler's conviction of robbery (count 3), the trial court shall correct the abstract of judgment to show total enhancements of 35 years to life. The court shall transmit certified copies of the abstracts of judgment as amended and corrected to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SIX (continued)

B213640 People
 v.
 Hoff

(Not for Publication)

The convictions on the following counts are reversed: counts 49 and 51 (continuous sexual abuse of Samantha Doe in violation of section 288.5, subdivision (a)); count 52 (commission of a lewd act upon Samantha Doe in violation of section 288, subdivision (a)); and count 18 (commission of an act of sodomy upon Karri Doe in violation of section 286, subdivision (b)(2)). As to each of counts 49 and 51, the trial court imposed a consecutive determinate term of 16 years for a total of 32 years. As to count 52, the court imposed a consecutive indeterminate term of 15 years to life. As to count 18, the court imposed a consecutive determinate term of 8 months. Accordingly, these reversals result in a reduction of 32 years, 8 months, to appellant's aggregate determinate term (formerly 65 years), and a reduction of 15 years to life to appellant's aggregate indeterminate term (formerly 270 years to life). With the reductions, appellant is sentenced to a determinate term of 32 years, 4 months, plus an indeterminate term of 255 years to life.

The \$5,000 restitution fine imposed pursuant to section 294, subdivision (b), is stricken from the judgment. The state court construction penalty imposed pursuant to Government Code section 70372, subdivision (a)(1), is reduced from \$5,640 to \$90. The judgment is further modified to impose a section 1464, subdivision (a), penalty assessment of \$300 and a Government Code section 76000, subdivision (a), penalty assessment of \$210.

In all other respects, the judgment is affirmed. The trial court shall prepare an amended abstract of judgment and transmit a certified copy to the Department of Corrections and Rehabilitation.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

September 14, 2010 (Continued)

DIVISION SIX (continued)

B222676 People (Not for Publication)
v.
Monte Paul Reynolds

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

[illegible]

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B216478 People (Not for Publication)
v.
Love

The matter is remanded for a recalculation of presentence credit. In all other respects the judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

September 14, 2010 (Continued)

DIVISION SIX (continued)

B225169 Tanisha M. (Not for Publication)
v.
The Superior Court of the County of San Luis Obispo
San Luis Obispo County Department of Social Services

The petition for extraordinary relief is denied.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B218566 Penelope Sudrow, et al. (Not for Publication)
v.
Douglas Weber, et al.

The judgment is affirmed. Respondents to recover costs on appeal.

Woods, J.

We concur: Perluss, P.J.
Jackson, J.

B222793 People (Not for Publication)
v.
Frank P.

The order is affirmed.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION EIGHT

B221615 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Larry O.,

The October 20, 2009 order denying father's section 388 petition is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
O'Connell, J. (Assigned)

B218292 People (Not for Publication)
v.
Salvador Pilar Torres Gutierrez

The judgment is affirmed.

Grimes, J.

We concur: Rubin, Acting P.J.
Flier, J.

[illegible]

The juvenile court is directed to correct paragraph 29 of the court's order of September 21, 2009, to reflect that minor is entitled to six days of predisposition credits. In all other respects, the judgment is affirmed.

Rubin, Acting P.J.

We concur: Grimes, J.
O'Connell, J. (Assigned)

September 14, 2010 (Continued)

DIVISION EIGHT (continued)

[illegible]

The superior court is ordered to correct the clerical error in the abstract of judgment to reflect appellant's conviction for violating Penal Code section 12280, subdivision (b), and to provide a copy of the corrected abstract of judgment to the Department of Corrections. As corrected, the judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
O'Connell, J. (Assigned)